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Air Pollution Regulations in State Implementation Plans: California, Del Norte, County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Del Norte County

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California

Del Norte County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

This report is issued by the Environmental Protection Agency to report air pollution regulations of interest to a limited number of readers. Copies are available, for a fee, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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Publication No. EPA-450/3-78-054-5

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA - APPROVED REGULATION CHANGES

DEL NORTE COUNTY, CALIFORNIA

Submittal Date	Approval Date	Description
2/21/72	5/31/72	All Regs approved unless noted otherwise
6/30/72	9/22/72	No changes (No submittal)

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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RULES AND REGULATIONS

DEL NORTE COUNTY AIR POLLUTION CONTROL DISTRICT

Adopted September 27, 1971

REGULATION I - GENERAL PROVISIONS

(2.0) RULE 10 PURPOSE

These rules and regulations are set forth to achieve and maintain such levels of air quality as will protect human health and safety; prevent injury to plant and animal life and property; and to preserve and improve the comfort, convenience and enjoyment of the natural attractions of the California North Coast Air Basin.

(2.0) RULE 11 AUTHORIZATION

These rules and regulations are enacted pursuant to the provisions of Chapter 2, Division 20 of the Health and Safety Code of the State of California and will be known as the Rules and Regulations of the Del Norte County Air Pollution Control District.

TABLE I

AMBIENT AIR QUALITY STANDARDS

Air Contaminant	National Standard	California State
Sulfur Dioxide	0.5 ppm (3 hr. ave.) 0.10 ppm (24 hr. ave.) 0.02 ppm (annual ave.)	0.5 ppm (1 hr. ave.) 0.4 ppm (24 hr. ave.)
Particulate Matter	150 micrograms per cubic meter (24 hr. ave.) 60 micrograms per cubic meter (annual geometric mean)	100 micrograms per cubic meter (24 hr. ave.) 60 micrograms per cubic meter (annual geometric mean)
Carbon Monoxide	35 ppm (1 hr. ave.) 9 ppm (8 hr. ave.)	40 ppm (1 hr. ave.) 10 ppm (12 hr. ave.)
Oxidant	0.08 ppm (1 hr. ave.)	0.10 ppm (1 hr. ave.)
Nitrogen Dioxide	0.05 ppm (annual mean)	0.25 (1 hr. ave.)
Hydrocarbons	0.24 ppm (3 hr. ave.)	--
Visibility reducing particles	--	Sufficient to reduce prevailing visibility to 10 miles at relative humidity less than 70%
Lead (particulate)	--	1.5 micrograms per cubic meter (30 day ave.)
Hydrogen Sulfide	--	0.03 ppm (1 hr. ave.)

(1.0) RULE 12 DEFINITIONS

Except as otherwise specifically provided in these Rules and Regulations, and except where the context indicates otherwise, words used in these Rules and Regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

(a) AGRICULTURAL OPERATIONS: The growing and harvesting of crops including timber or the raising of fowls, animals or bees as a gainful occupation.

(b) AIR CONTAMINANT: Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(c) ALTERATION: Any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or effect the kind or amount of air contaminant emitted.

(d) ATMOSPHERE: The air that envelopes or surrounds the earth.

(e) BOARD: The Air Pollution Control Board of any county, unified or regional air pollution control district.

(f) COMBUSTIBLE OR FLAMMABLE SOLID WASTE: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in solid form.

(g) COMBUSTION CONTAMINANTS: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

(h) CONDENSED FUMES: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or may be generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborn particles.

(i) CONTROL OFFICER: The Air Pollution Control Officer of any county or regional air pollution control district.

(j) DUST: Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

(k) EMISSION: The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

(l) EMISSION POINT: The place, located in a horizontal plane and vertical elevation at which an emission enters the atmosphere.

(m) HEARING BOARD: The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.

(n) INSTALLATION: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

(o) OPEN OUTDOOR FIRE: Any combustion of solid or liquid waste outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

(p) OPERATION: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

(q) ORCHARD, VINEYARD, OR CITRUS GROVE HEATER: Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

(r) OWNER: Includes but is not limited to any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

(s) PARTICULATE MATTER: Discrete atmospheric particles of liquid other than uncombined water, or solids, as distinguished from a gas or vapor.

(t) PERSON OR PERSONS: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

(u) PPM: Parts per million by volume (v/v) expressed on a dry gas basis.

(v) PROCESS WEIGHT PER HOUR: The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuel charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(w) SECTION: Refers to a section of the Health and Safety Code of the State of California unless some other Statute is specifically mentioned.

(x) STANDARD CONDITIONS: As used in these regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

(y) STANDARD CUBIC FOOT OF GAS: The amount of gas that would occupy a volume of one (1) cubic foot, if free of combined water, at standard conditions.

All permit requirements and procedures covered in detail by this regulation shall be in accordance with those specified in the California Health and Safety Code.

(3.0) RULE 20 PERMIT REQUIREMENTS

(a) REGISTRATION: These regulations do not constitute an automatic permit for the installation or operation of any equipment in existence upon the effective date of these regulations. Upon request of the Control Officer, any source of emission, actual or potential, shall register with the District. Any owner, operator or user of any equipment in use at the time of adoption of these regulations and subject to these regulations who is required to register shall be allowed thirty (30) days to register to obtain a permit to operate and to furnish the Control Officer with information required.

(b) AUTHORITY TO CONSTRUCT OR MODIFY: Permits shall be required to construct, erect, alter, replace, sell or rent any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. Written Authority to Construct, Alter, Replace, Sell or Rent shall be obtained from the Control Officer prior to starting construction, erection, alteration, sale or rental. A single permit may be issued for all components of an integrated system or process. Plans and specifications, drawn in accordance with acceptable engineering practices, may be required as a prerequisite to permit issuance. The Authority to Construct shall remain in effect for one (1) year or until a Permit for Operation is issued, whichever occurs first. If the Authority to Construct expires prior to issuance of a Permit to Operate, the authorization may be extended one year at the request of permittee. A renewal fee may be assessed. Construction not in accordance with this permit shall be sufficient reason to deny a Permit to Operate.

(3.0) RULE 21 PERMIT STANDARDS

No Authority to Construct shall be granted unless the applicant shows to the satisfaction of the Control Officer that:

(a) The new construction or modification will operate within all applicable rules and regulations pertaining to release of air contaminants.

(b) The new construction or modification will not endanger maintenance or attainment of any applicable ambient air quality standard.

(c) Adequate provisions are made for sampling facilities and emission monitoring equipment as specified by the Control Officer.

(3.0) RULE 22 ACTION ON APPLICATIONS

The Control Officer shall act promptly on an application for Authority to Construct, Alter, Replace, Sell or Rent, or Permit to Operate, and shall notify the applicant in writing by mail or in person of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

(a) APPROVAL: A permit, conditional permit or notice of approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resource Board and the Health and Safety Code.

(b) CONDITIONAL APPROVAL: The Control Officer may issue an Authority to Construct or Permit to Operate or Use, subject to conditions which will bring the operation of any equipment within the applicable standards set forth in these regulations, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct or operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified. The Control Officer may issue an Authority to Construct or Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

(c) DENIAL OF APPLICATIONS: In the event of denial of an Authority to Construct, Permit to Operate or Permit to Sell or Rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Authority to Construct, the Permit to Operate or the Permit to Sell or Rent.

(3.0) (16.0) RULE 23 APPEALS

Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authority to Construct, Permit to Operate or use of Permit to Sell or Rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(2.0) RULE 24 EXCLUSIONS

An Authority to Construct and Permit to Operate shall be required for all new or modified plants, equipment or operations which may emit air contaminants with the following exceptions:

(a) Any vehicle as defined in the Vehicle Code.

(b) Any structure designed for and used exclusively as a dwelling for not more than two (2) families.

(c) An incinerator used exclusively in connection with such a dwelling structure or any incinerator designed, constructed and operated in accordance with the standards of the Air Pollution Control District.

(d) Barbecue equipment which is not used for commercial purposes.

(e) Orchard, vineyard or citrus grove heaters.

REGULATION IV - PROHIBITIONS

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property; including, but not limited to the following restrictions:

(50.1.2) RULE 40 VISUAL EMISSIONS

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

(a) As dark or darker in shade as that designated as Number 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this rule.

(c) This rule shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this rule.

(50.1) RULE 41 PARTICULATE MATTER

(a) A person shall not discharge combustion contaminants into the atmosphere from any emission point in excess of 0.2 grain per standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

(b) A person shall not discharge in any one hour from any source whatsoever dust, condensed fumes, or other particulate matter at a concentration in excess of 0.2 grain per standard cubic foot of exhaust gas or in total quantities in excess of the amount shown in Table II, whichever is the more restrictive condition.

ALLOWABLE RATE OF EMISSION BASED ON

PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	6,000	3.00	8.56
200	0.10	0.877	7,000	3.50	9.49
400	0.20	1.40	8,000	4.00	10.4
600	0.30	1.83	9,000	4.50	11.2
800	0.40	2.22	10,000	5.00	12.0
1,000	0.50	2.58	12,000	6.00	13.6
1,500	0.75	3.38	16,000	8.00	16.5
2,000	1.00	4.10	18,000	9.00	17.9
2,500	1.25	4.76	20,000	10.	19.2
3,000	1.50	5.38	30,000	15.	25.2
3,500	1.75	5.96	40,000	20.	30.5
4,000	2.00	6.52	50,000	25.	35.4
5,000	2.50	7.58	60,000 or more	30.	40.0

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated accordingly. The total process weight of all similar process operations located at a single plant or of multiple plants located on a single premise shall be used for determining the maximum allowable particulate emission from the combination of such operations.

(50.2) RULE 42 SULFUR OXIDE EMISSIONS

A person shall not discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO_2) in excess of 1000 ppm.

(51.13) RULE 43 OPEN FIRES

No person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, trees, wood waste or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile or other vehicle bodies. Nothing in this rule shall be construed as prohibiting:

(a) Fires for the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises, or

(b) Fires used only for the cooking of food for human beings or for recreational purposes, or

(c) Agricultural burning authorized pursuant to these rules and regulations, the California Health and Safety Code, and the control guidelines of the California Air Resources Board, or

(d) Fires used for right-of-way clearing by a public entity or utility or for levee and ditch maintenance, or

(e) Fires authorized by any public officer when such fire is, in his opinion, necessary for any of the following purposes:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means.

(2) The instruction of public employees in the methods of fighting fire.

(3) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(51.1) RULE 44 ORCHARD HEATERS

(a) No new orchard, vineyard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(b) The continued use of orchard heaters that will not comply with these regulations will be permitted until January 1, 1975 if provisions of these regulations would preclude the use of such heaters and be a serious economic hardship to the owners or operators of the heaters or the practical elimination of agricultural operations now being carried out within the District (H and S 24265.5). After 1 January 1975 all orchard heaters shall be of a type which produces unconsumed solid carbonaceous matter at a rate of not more than one (1) gram per minute.

(7.0) RULE 45 REPORT OF BREAKDOWN

Emissions exceeding any of the limits established by Regulation IV as a direct result of unavoidable upset conditions or unforeseeable breakdown of equipment or control apparatus shall not be deemed in violation provided the following requirements are met:

(a) The upset or breakdown is immediately reported to the air pollution control district.

(b) The person responsible shall, upon the request of the Control Officer, submit a full report, including the known causes and the preventive measures to be taken to minimize or eliminate a reoccurence.

(c) The Control Officer upon investigation concurs that the upset or breakdown was unavoidable or unforeseeable.

(2.0) RULE 46 CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of these Rules and Regulations or any provisions of the California Health and Safety Code.

REGULATION V - VIOLATIONS AND PENALTIES

(15.0) RULE 50 PENALTIES FOR VIOLATIONS

Penalty actions for non-compliance with, or violation of, any rule of these rules and regulations will be instituted pursuant to the following provisions and further pursuant to the provisions of Chapter 2, Division 20 of the Health and Safety Code of the State of California.

(a) Every person guilty of a misdemeanor who knowingly makes any false statement in any application for a permit or in any information, analyses, plans or specifications submitted either in conjunction therewith, or at the request of the Air Pollution Control Officer. (Section 24277).

(b) Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants for which a permit is required by the regulations of the Air Pollution Control District when his permit so to do has been either suspended or revoked. (Section 24278).

(c) Every person required by the regulations of the Air Pollution Control Board to obtain a permit to do so, who, without first obtaining such permit, builds, erects, alters, replaces, uses, or operates any source capable of emitting air contaminants, is guilty of a misdemeanor. (Section 24279).

(d) Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such article, machine, equipment, or other contrivance contrary to the provisions of any permits issued under these rules and regulations. (Section 24280).

(e) Every person violating any order, rule, or regulation of an Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense. (Section 24281).

(15.0) RULE 51 CIVIL PENALTIES

(a) Pursuant to Section 24252 of the Health and Safey Code of the State of California, any violation of any order, rule or regulation of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California.

(b) Section 39260 Health and Safety Code. Violation of abatement order; civil penalty.

Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5, or by the State Air Resources Board pursuant to this part, shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each day in which such violation occurs.

An order of abatement may be issued under the folowing circumstances:

Section 24260.5 Health and Safety Code. Authority to issue order for abatement; grounds; hearing.

The air pollution control board may, after notice and a hearing issue, or provide for the issuance by the hearing board, after notice and a hearing of, an order for abatement whenever the district finds that any person is in violation of Section 24242 or 24243 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The air pollution control board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.

(c) Section 39261 Health and Safety Code. Violation of Section 24242, 24243, or any rule or regulation; civil penalty.

Any person who intentionally or negligently violates Section 24242, 24243, or any rule or regulation of a county air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each day in which such violation occurs.

Such violations follow:

Section 24242 Health and Safety Code. Discharge of air contaminant; prohibition.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Section 24243 Health and Safety Code. Discharge of injurious or annoying material; prohibition.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(d) Section 39262 Health and Safety Code. Action for civil penalties.

The civil penalties prescribed by Sections 39260 and 39261 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney of any type of air pollution control district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

REGULATION VI

(5.0) VARIANCES & HEARING BOARD PROCEDURES

All variance and hearing board procedures shall be instituted and applied exactly in accordance with the applicable provisions as outlined in the California Health and Safety Code pursuant to the authority granted to county, unified and regional air pollution control districts.

REGULATION VII

(8.0) EPISODE PROCEDURES

This regulation is designed to prevent the excessive buildup of air contaminants during air pollution episodes and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants. Past history indicates that the possibility of such a catastrophe is extremely remote.

The Air Pollution Control Board deems it desirable to have ready an adequate plan to prevent such an occurrence, and in case of the happening of this unforeseen event, to provide for adequate actions to protect the health of the citizens in the Air Pollution Control District.

In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the Air Pollution Control Officer shall take immediate action in curtailing those emissions known to be contributing to a possible catastrophic air pollution situation.